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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/672,066	09/28/2000	Jay S. Walker	00-058	7007

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EXAMINER

MYHRE, JAMES W

ART UNIT	PAPER NUMBER
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3622

DATE MAILED: 10/17/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.
09/672,066

Applicant(s)
Walker et al

Examiner
James W. Myhre

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Sep 28, 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☒ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

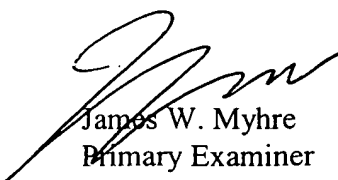
- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s). 2&3 6) ☐ Other:

Examiner's Affidavit

I, James W. Myhre, do hereby affirm the following facts are based on personal experience. While working at a Radio Shack™ store in 1991 and 1992, I sold numerous cellular telephones (cell phones) to customers. The standard procedure used in the sale was once the customer had indicated his desire to purchase a specific cell phone and brought the item to the point of sale, I would cite the current price of the cell phone to the customer (e.g. \$250), and then inform the customer that by signing a service agreement with Sprint™ he could buy the cell phone at a discounted price (e.g. \$50). If the customer was interested, I would present a list of service plans offered by Sprint™ with their costs and the amount of discount each would bring on the current purchase of the cell phone. Once the customer had chosen a plan and completed the Sprint™ application form, I would fax the application to Sprint™. The application form included such information as the customer's name, address, telephone number, employer, financial data, etc., which Sprint™ would use to approve or disapprove the application. Normally within 5-10 minutes I would receive a telephonic response from Sprint™ with an approval number and activation number. I would then complete the transaction by charging the customer the discounted amount for the cell phone and activate the cell phone using the activation number received from Sprint™. Once the transaction was complete, Sprint™ would reimburse Radio Shack™ for the amount of the discount plus a processing fee.

Attested to:

April 11, 2003



James W. Myhre
Primary Examiner
U. S. Patent & Trademark Office

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DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-3, 5, 6, 8-21, 23-27, and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Girouard et al (4,982,346) in view of Humble (4,833,308).

Claims 1, 11, 27, and 29: Girouard discloses a method, program, and apparatus for handling a transaction, comprising:

- a. Receiving product information pertaining to a product to be included in the transaction (col 16, lines 30-33);
- b. Performing a pricing activity (col 4, lines 56-57 and col 17, lines 6-36); and
- c. Determining a pricing benefit for the transaction (col 4, lines 36-39 and 52-55).

While Girouard discloses the above steps, it is not explicitly disclosed that the pricing benefit is a result of a product initially selected by the customer. However, Humble discloses a similar method, program, and apparatus for handling a transaction which also discloses the customer first selecting a product (col 2, lines 33-36) and then a benefit (coupon) being

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determined for the selected product (col 2, lines 41-53). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to allow the customer in Girouard to select the desired product prior to displaying the benefit associated therewith. One would have been motivate to perform the steps in this order in order to better target the benefit to a product that the customer desires;, thus, increasing the likelihood of acceptance by the customer.

Claims 2 and 12: Girouard and Humble disclose a method and apparatus for handling a transaction as in Claims 1 and 11 above, and Girouard further discloses scanning the bar code of the product (col 4, line 61 - col 5, line 14).

Claim 3: Girouard and Humble disclose a method for handling a transaction as in Claim 1 above, and Girouard further discloses the system having a keyboard for data entry by the customer. While, Girouard does not explicitly disclose that the product data is entered as alphanumeric data using the keyboard, it would have been obvious to one having ordinary skill in the art at the time the invention was made to accept alphanumeric data as input to identify the product. One would have been motivated to allow the customer to use the keyboard in Girouard to input alphanumeric product data in order to permit products without bar codes, such as fresh produce, to be entered into the system.

Claims 5 and 6: Girouard and Humble disclose a method for handling a transaction as in Claim 1 above, and Girouard further discloses the pricing activity including viewing an advertisement (col 4, lines 56-57) or completing a survey (col 17, lines 6-36).

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Claim 8: Girouard and Humble disclose a method for handling a transaction as in Claim 1 above, and Girouard further discloses outputting the benefit (e.g. printing the coupon)(col 4, line 61 - col 5, line 15 and col 15, lines 9-11).

Claims 9 and 10: Girouard and Humble disclose a method for handling a transaction as in Claim 1 above, and Girouard further discloses that the benefit is a discount on the product or transaction (col 4, lines 36-39 and 52-55).

Claims 13-15: Girouard and Humble disclose an apparatus for handling a transaction as in Claim 11 above, and Girouard further discloses the customer using a computer with all of the usual peripheral devices to include a touch screen and external communication capabilities (col 4, line 61 - col 5, line 14).

Claims 16 and 20: Girouard and Humble disclose an apparatus for handling a transaction, comprising:

An enclosure (kiosk) containing a display screen, a keyboard, and a processor which has been programmed to receive input via the keyboard, guide the customer in performing a pricing activity, determining a pricing benefit, and displaying the appropriate controls on the display screen as discussed in Claim 1 above. While it is not explicitly disclosed that the enclosure including seating for the customer and a privacy means for covering the entrance, Official Notice is taken that this type of enclosure (kiosk) is old and well known in the marketing arts. For example, for the past several decades photo kiosks have been prevalent within malls and other large stores. These kiosks are configured to allow a customer to enter the enclosure, drawn a

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curtain over the entrance, and sit down on an opposing seat when operating the kiosk. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to allow the customer in Girouard to cover the entrance and to sit down while operating the system. One would have been motivated to include these features in order to facilitate the kiosk's use by physically handicapped customers, i.e. those who cannot stand at an upright kiosk for long periods of time, and to provide a degree of privacy when the customer is scanning in products which may cause embarrassment to some.

Claim 17: Girouard and Humble disclose an apparatus for handling a transaction as in Claim 16 above, and further disclose entering product data pertaining to a product to be included in the transaction as discussed in Claim 1 above.

Claims 18 and 25: Girouard and Humble disclose an apparatus for handling a transaction as in Claims 16 and 17 above, and Girouard further discloses scanning the bar code of the product (col 4, line 61 - col 5, line 14) as in Claims 2 and 12 above.

Claim 19: Girouard and Humble disclose an apparatus for handling a transaction as in Claim 16 above, and Girouard further discloses including means for storing products selected for purchase by the customer, i.e. a database containing the item list (col 15, line 66 - col 16, line 39).

Claim 21: Girouard and Humble disclose an apparatus for handling a transaction as in Claim 16 above, and Girouard further discloses the customer using a computer with all of the usual peripheral devices to include external communication capabilities (col 4, line 61 - col 5, line 14).

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Claims 23 and 24: Girouard and Humble disclose an apparatus for handling a transaction as in Claim 16 above, and Girouard further discloses using a printer to print the benefit code (coupon)(col 4, line 61 - col 5, line 14 and col 15, lines 9-11).

Claim 26: Girouard and Humble disclose an apparatus for handling a transaction as in Claim 16 above, and Girouard further discloses entering data using a magnetic strip card reader (col 15, line 66 - col 16, line 39 and col 22, lines 59-61).

3. Claims 7, 22, and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Girouard et al (4,982,346) in view of Humble (4,833,308) as applied to claims above, and further in view of Off et al (5,173,851).

Claim 7: Girouard and Humble disclose a method for handling a transaction as in Claim 1 above, however neither reference explicitly discloses communicating the benefit directly to the POS terminal. Off discloses a similar method for handling a transaction in which the benefit (coupon) may be printed out or sent directly to the POS terminal through the network (col 12, lines 56-62). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to send the benefit in Girouard to the POS terminal of the retailer who offered the benefit. One would have been motivated to send the benefit directly to the POS terminal in order to eliminate the need to print the coupon as discussed by Off.

Claim 22: Girouard and Humble disclose an apparatus for handling a transaction as in Claim 21 above, however neither reference explicitly discloses communicating the benefit directly

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to the POS terminal. Off discloses a similar method for handling a transaction in which the benefit (coupon) may be printed out or sent directly to the POS terminal through the network (col 12, lines 56-62). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to send the benefit in Girouard to the POS terminal of the retailer who offered the benefit. One would have been motivated to send the benefit directly to the POS terminal in order to eliminate the need to print the coupon as discussed by Off.

Claim 28: Girouard and Humble disclose a method for handling a transaction, comprising:

- a. Receiving product information pertaining to a product to be included in the transaction (col 16, lines 30-33);
- b. Performing a pricing activity (col 4, lines 56-57 and col 17, lines 6-36); and
- c. Determining a discounted price for the transaction (col 4, lines 36-39 and 52-55).

While Girouard discloses the above steps, it is not explicitly disclosed that the pricing benefit is a result of a product initially selected by the customer. However, Humble discloses a similar method, program, and apparatus for handling a transaction which also discloses the customer first selecting a product (col 2, lines 33-36) and then a benefit (coupon) being determined for the selected product (col 2, lines 41-53). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to allow the customer in Girouard to select the desired product prior to displaying the benefit associated therewith. One would have been motivate to perform the steps in this order in order to better target the benefit to

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a product that the customer desires;, thus, increasing the likelihood of acceptance by the customer.

While neither reference explicitly discloses that the discounted price for the transaction is determined (when using the coupon), such a step is inherent. Furthermore, Off discloses a similar method for handling transaction which also determines and displays the discounted price to the customer (col 5, lines 21-25). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to determine the discounted price for the product in Girouard. One would have been motivated to determine and display the discounted price in order to allow the customer to make a more informed decision on whether to purchase the discounted item or not.

4. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Girouard et al (4,982,346) in view of Humble (4,833,308) as applied to claim 1 above, and further in view of Myhre (Examiner's Affidavit, April 11, 2003).

Claim 4: Girouard and Humble disclose a method for handling a transaction as in Claim 1 above, but neither reference explicitly disclose that the pricing activity includes agreeing to or completing a transaction with another retailer. However, as shown in the Examiner's Affidavit (Myhre, April 11, 2003) it is old and well known for a customer to receive a reward at one merchant for agreeing to or completing a transaction with another merchant (e.g. signing up with a cellular phone service company in order to receive a discount when buying the actual cellular

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phone from a retailer). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to include such an activity as one of the pricing activities performed by the customer in Girouard. One would have been motivated to include this type of activity in order to expand the promotional rewards available to the customer.

Conclusion

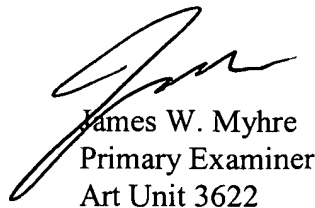
5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Exr. James W. Myhre whose telephone number is (703) 308-7843. The examiner can normally be reached on weekdays from 6:30 a.m. to 3:30 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric Stamber, can be reached on (703) 305-8469. The fax phone number for Formal or Official faxes to Technology Center 3600 is (703) 872-9306. Draft or Informal faxes may be submitted to (703) 872-9327 or directly to the examiner at (703) 746-5544.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group Receptionist whose telephone number is (703) 308-1113.



JWM
October 1, 2003



James W. Myhre
Primary Examiner
Art Unit 3622